Lassen County Enforcement Work Plan
2008/2009 through 2010/2011

County Resources

- Deputy – 35% of time in PUE
- Inspector II – 25% of time in PUE
- Inspector I – 40% of time in PUE

A. Restricted Materials Permitting

Permit Evaluation

- Approximately 175 restricted materials permits issued annually.
- Majority of permits are issued for phenoxy herbicides, paraquats, strychnine, and aluminum phosphide.
- Permits are only approved and issued by three licensed and trained staff:
    - Deputy issues 30% of permits
    - Inspector II issues 35% of permits
    - Inspector I issues 35% of permits
- For new permits initial contact by phone or in person to prescreen for hazards necessitating denials.
- Permit approved through verification of having passed private or qualified applicator certification exam.
- County administers private applicator certification exam on an individual basis.
- Appointment is required for permit issuance and certification exam.
- To determine potential adverse environmental impact or health effects, during issuance of the permit we conduct a review of the adjacent and surrounding properties based on the following:
    - Maps submitted by the applicant
    - Discussion with the applicant
    - Knowledge of the local area
- Permits are entered into RMMS, never issued on PR-ENF-125, and printed out for signature.
- Permits are issued to operator of property or authorized representative (either an employee, farm management firm or PCA); non-ag permits can be issued to PCB.
- Letter of authorization required for issuance or signature of other than operator of property.
- Permits are valid for one year, expiring at the end of the calendar year (Dec. 31) in which they are issued.
- All agricultural permits are site specific and maps are required.
- Sites are identified by a name or letter/number combination commonly chosen by permittee.
- Homes, wells, adjacent environment and sensitive areas are identified on maps.

- Handouts reviewed with permittee at time of issuance:
    - In house pesticide use requirements
    - DPR pesticide use requirements PR-ENF-116
    - PUR form and instructions
    - Restricted material permit conditions
    - Notice of intent log and instructions
    - California restricted materials list
    - Application specific information requirements
    - PSIS A or N
- For permit amendments, a notation is made on the permit for small changes, while larger, more significant changes require the permittee to sign and date the amendment.
- One scheduled CE/training session.
- For renewals, prior year permit files are reviewed for PURs and inspections to determine any potential problem areas.
- Approximately 120 NOIs are received a year.
- 24 hour NOIs are required.
- NOIs are accepted by telephone to the main telephone line, fax, or in person and are monitored between 8 am to 5 pm, Monday through Friday.
- After hours the NOIs are picked up by answering machine. No NOIs are picked up by staff on weekends.
- Licensed staff transcribes NOIs to an in house log that is kept in a file in the office.
- Licensed staff review NOI log periodically to assure consistency with permit and contains required information.
- Licensed staff approve NOIs.

<u>Strengths</u>

- Staff experience and knowledge of local conditions helps to reduce substantial adverse environmental impacts.
- Currently there is a low level of ag-urban interface issues.
- Very low level of cropping pattern problems.
- Historically there have been few to no instances of permit denials due to potential adverse environmental impacts.
- Issuance of one year permits even for permanent crops allows for regular review of permits, reducing chances for potential adverse impacts.
- Specific permit conditions are generally never required due to the cropping patterns and types of restricted materials used.

<u>Weaknesses</u>

- Majority of current maps are hand drawn and not to scale.
- Some permits include pesticides that have not been used in many years but are kept on the permit for potential future use and storage requirements.
- NOIs are transcribed onto the log, but it is up to the inspectors to check the log.

Goal or Objective

- Assure that the evaluation process for restricted materials permit applications and NOIs is complete and thorough, taking into consideration all aspects of risk assessment through the use of updates and improvements to permit information necessary to make sound determinations on adverse effects.

Deliverables

- Update all existing restricted material maps with new digitized GIS field sites overlaid on aerial photos to assist in accuracy when evaluating permits for adverse environmental and health effects. Continue to implement in FY 2008/2009 and to be completed by FY 2010/2011.
- Review county GIS parcel data and aerial photographs prior to issuing new restricted material permits to assess potential adverse effects. Continue this work for 2009 through 2011 permit season.

Measure Success

- End of each fiscal year, review all restricted material permit files for the following corrective actions:
    - Site specific GIS and aerial photo maps
- End of each fiscal year identify number of permits lacking corrections and attempt to fix following year.

Site Monitoring Plan Development

- Approximately 1700 annual sites
- Majority of NOIs are for the following restricted materials/crops:
    - Phenoxy herbicides for forest, received during April and May
    - Phenoxy herbicides for forage crops, received during January through March
    - Paraquat for alfalfa, received during January through March
    - Aluminum phosphide and strychnine for alfalfa, received May through October
- NOIs are reviewed by any of three licensed staff: Deputy, Inspector II & Inspector I
- Sites to evaluate are based on:
    - Hazard of pesticide use by crop
    - Previous denials
    - Aerial applications
    - Applications near roads and residences
    - Environmental conditions with respect to cropping and fieldwork patterns
    - Local conditions
    - Employee handlers
    - Compliance histories
- Pre-application site inspections are performed as resources allow

- All non-agricultural permits are required to submit an NOI until one inspection has been performed which is usually accomplished when the renewal occurs for an upcoming application.

Strengths

- Staff with many years of experience in county, with knowledge of local conditions
- Few types of restricted materials used on a few crops
- Minimal changes to adjacent environments of sites to be monitored

Weaknesses

- Lack of licensed staff available for site monitoring. The time of year for most site monitoring is when licensed staff is out spraying county roads or issuing renewals for permits and operator identification numbers.

Goal or Objective

- Assure that site monitoring for restricted material use is effective, preventative and comprehensive, taking into consideration the following risk factors:
    - Pesticide hazards associated with:
        - ✓ Phenoxy herbicides
        - ✓ Paraquat
        - ✓ Strychnine and zinc phosphide
    - Local conditions
        - ✓ New residential developments within the ag-urban interface
    - Cropping and fieldwork patterns
    - Compliance histories
        - ✓ Employee handlers
        - ✓ Permittee
        - ✓ Pest control advisors

Deliverables

- Pre-application site inspections will be performed on a minimum of 5% of the notices of intent.

Measure Success

- End of each fiscal year review of PRAMR to determine if required 5% pre-application site inspections were performed
- End of each fiscal year review
    - Increase in number of PCA recommendations received and reviewed
    - Decrease in potential or actual risks

B. Compliance Monitoring

Comprehensive Inspection Plan

- Inspections are performed by two licensed and trained staff:
    - Deputy – 45% of job duties
    - Inspector II – 55% of job duties
- Inspections are performed between 8am and 5pm, Monday through Friday
- 35% of inspections are scheduled
    - Grower headquarter safety
    - Pre-application site
    - Restricted materials
- Majority of scheduled application inspections occur between December and March when weed control takes place for field crops with phenoxy herbicides and for alfalfa with paraquat.
- Of the inspections that are not scheduled, 75% are targeted and are concentrated in the major agricultural pesticide application area, the Honey Lake Valley, where field crops are grown.
- Targeted inspections are prioritized by:
    - Applicator compliance history
    - Employee handlers
- 25% of inspections are random in urban areas
    - landscape maintenance
    - structural pest control businesses
- The one winery our county has will be contacted to find out if they use SO_2 gas for wine barrel and cork disinfecting or fumigation of fruit in cold storage. If they do use SO_2 gas, we will ensure that they comply with all applicable laws and regulations.

Strengths

- The size and centralized location of the agricultural pesticide application areas and the experience of the staff performing enforcement allows for an intimate familiarity with pesticide usage and cropping patterns in the county.
- A targeted inspection plan that addresses the following components:
    - Violation history
    - Potential for WHS violations
    - Employee handler applications
- Low level of Category I pesticides being handled by employees requiring closed systems.
- The frequency of headquarters employee safety inspections is currently every 2-3 years depending on the level of non-compliances. The frequency of dealer inspections is every 1-2 years. This frequency schedule allows for effective identification and enforcement action of non-compliances.
- Low level of pesticide related incidents, reducing the need for non-targeted compliance driven inspections.

Weaknesses

- Monitoring currently as resources allow. Availability of trained staff to conduct inspections when the majority of restricted material applications are occurring and the time of year of these applications coincides with permit renewals which are also the responsibilities of the two staff who conduct the inspections.
- Small staff whose duties include other county program support means that no one is available for weekend or night time work when owner operator and reduced drift applications occur.
- Low number of follow up inspections due to lack of staff availability.

Goal or Objective

- Assure that compliance monitoring is effective and comprehensive, ensuring the safety of pesticide handlers, fieldworkers, the public, and the environment through the use of an inspection strategy that has a measurable effect on compliance improvement.
- Train new Inspector I, so that they can obtain proper licenses and conduct inspections.

Deliverables

- Maintain frequency of inspections for headquarters and dealers.
- Maintain targeted inspections for situations where WHS violations have occurred in the past or have the potential to occur.
- Increase targeted inspections when necessary for repeat violations. To be continued in FY 2008/2009 and subsequent years.

Measuring Success

- Midway between and at the end of FY 2008/2009 and FY 2010/2011 review of PRAMR to determine if there has been a decrease in the number of pesticide use and records inspections for targeted components.
- Midway between and at the end of FY 2008/2009 and FY 2010/2011 review of non-compliances as a result of targeted inspections.

Investigation Response and Reporting Improvement

- Pesticide-related investigations are conducted by two trained staff:
    - Deputy – responsible for 60% of investigations.
    - Inspector II – responsible for 40% of investigations.
- Complaints are received by staff and recorded on an in-house form.
- Once received they are given to the Deputy.

- All complaints or incidents that may be related to pesticides receive a response and results are documented on complaint forms or investigative reports.
- All investigation and complaint reports are reviewed and approved by the Commissioner once complete.
- In last two fiscal years there were 3 investigations/complaints.
- Types of investigations and time it took to complete were:
    - Three non-priority investigations, initiated within three days and completed within two to three weeks.
- All of the investigation reports were complete and none were returned for lack of additional information or supporting documentation.

Strengths

- Routing of the investigation/complaint goes directly to the Deputy and review and approval goes directly to the Commissioner. Without any intermediate personnel the reports are processed in a timely manner.
- Low number of investigations and complaints received by the county allows for ability to respond and complete investigations and reports in a timely manner.
- Staff that have kept current with investigative training.
- Our investigative response and reporting has resulted in the following:
    - Were effective in providing awareness for worker health and safety issues.
    - Were conclusive in explaining why or how the episode occurred.
    - Allowed us to take appropriate enforcement action when violations were discovered.
    - Allowed us to take preventative measures at the applicator/business/local program level.

Weaknesses

- No areas of investigation response or reporting were identified as needing improvement based on the last two fiscal year DPR Effectiveness Evaluations.

Goal or Objective

- Maintain implementation strategy of current investigative response with regard to timely initiation and completion of all priority and non-priority investigations.
- Maintain implementation strategy of current investigative response with regard to use of existing violation analysis and high quality in investigative thoroughness and report accuracy.

Deliverables

- Timely episode investigation initiation and completion.
- Investigation reports that are accurate and complete.

Measure Success

- End of FY 2008/2009 and FY 2010/2011 review of the number of returned/incomplete investigation reports.
- End of FY 2008/2009 and FY 2010/2011 review reversed decisions by appeals due to lack of supporting information.

C. Enforcement Response

Enforcement Response Evaluation

- All actions are discussed with the Commissioner prior to implementation (with the exception of violation notices checked off at the time of inspections on inspection forms).
- Compliance actions are prepared by two trained staff, Deputy and Inspector II.
- Enforcement actions are prepared by Deputy.
- All actions are reviewed and signed by Commissioner.
- Review of the last five years shows that all enforcement actions commenced within two years of the occurrence of the violation, primarily commencing within two months of violation.
- Decision trees in the DPR Enforcement Guidelines are followed to determine most appropriate action when violations are identified.
- Pesticide use report violations receive warning letters and notice of violations.
- Worker health and safety violations receive civil penalty actions, unless first time paperwork violation.
- Local worker health and safety violation issues are primarily:
    - Hazard Communication posting
    - Decontamination stations
    - PPE
- For civil penalty actions, the fine guidelines are followed.
- If the action or fine deviates from the guidelines a justification is written into the action.
- No Decision Reports have been necessary in the last five years.
- All NOPAs provide respondents with detailed information on alleged violations, proposed fine level, and their right for an opportunity to be heard.
- A Pesticide Enforcement/Compliance Action Summary is prepared for every action.
- All inspections and non-compliances are tracked on an electronic spreadsheet.
- All actions are tracked on an electronic log
- Copies of inspection reports and actions are maintained in OID/permit or business files.

Strengths

- Limited chain of command within our office allows for timely review and approval of actions.
- Maintaining copies of reports and actions within individual files allows for review of violator's history and selection of most appropriate action for the violation.
- Use of enforcement actions and fines as a tool to improve compliance.

Weaknesses

- Lack of written non-compliance enforcement action plan with specificity for type of violations that routinely occur.
- Lack of consistency in compliance and enforcement actions for minor violations, primarily paperwork violations.
- A great deal of time is spent on issuance of PUR compliance actions.
- Lack of staff availability for timely follow-up inspection activity.

Goal or Objective

- Provide a swift, consistent and fair response to non-compliances that results in future compliance by the respondent while working to maintain the respect of the regulated industry as well as maintaining the integrity of this office.

Deliverables

- Development of an enforcement plan that takes into consideration violation activities specific to the county. To be continued in FY 08/09.

Measure Success

- Mid and end of FY 2008/2009 review of individual files to verify if decrease in repeat non-compliances by violators resulted from new compliance and enforcement plan. Continue in subsequent years.
- End of FY 2008/2009 review of enforcement response to determine if effort was directed at violations that pose the greatest risk to people or the environment. Continue in subsequent years.

Attachment 1

Lassen County Inspection Goals
Fiscal Years 2008/2009 through 2010/2011

		Goal
I.	**Completed Investigations (Human Effects, Environmental Effects, Property Loss/Damage, Other)**	**100%**
II.	**Application Inspections (Non-Fumigation)**	**11**
	Property Operator (e.g. grower, government)	9
	Pest Control Business (e.g. Agriculture, Maintenance Gardener)	1
	Structural Control Business (Application, Mix/Load)	1
III.	**Field Worker Safety Inspections**	**1**
IV.	**Mix/Load Inspections**	**1**
V.	**Field Fumigation Monitoring Inspections**	**100%***
VI.	**Headquarter/Employee Safety Inspections**	**5**
	Property Owner (e.g. grower, government)	4
	Pest Control Business (e.g. Agriculture, Maintenance Gardener)	1
	Structural Control Business (Application, Mix/Load)	0
VII.	**Permit Monitoring**	
	Pre-Application Site Inspections	5%
	Use-monitoring, non-ag permit holders	100%
VIII.	**Pest Control Dealer Inspections**	**1**

*Goal is to conduct 100%, as staffing resources allow.